CRIMES COMPENSATION BOARD

Annual Report

March 31, 1990

FOR THE PERIOD APRIL 1, 1989 TO MARCH 31, 1990

Alberta
ATTORNEY GENERAL

91-05968/

Copies of this report may be obtained from:

Crimes Compensation Board
7th Floor, J.E. Brownlee Building
10365 - 97 Street
Edmonton, Alberta
T5J 3W7
Telephone: 427-7217

or

Attorney General Communications Branch
3rd Floor, Bowker Building
9833 - 109 Street
Edmonton, Alberta
T5K 2E8
Telephone: 427-8530

The Crimes Compensation Board Summary

ANNUAL REPORT

FOR THE PERIOD APRIL 1, 1989 TO MARCH 31, 1990

Alberta
ATTORNEY GENERAL

THE BOARD

BORIS A. NAHORNICK, M.D. - CHAIRMAN

TERENCE J. NUGENT - VICE-CHAIRMAN

ELVA ROWLAND - MEMBER

Alberta

THE CRIMES COMPENSATION BOARD

December 1, 1990

The Honourable Ken Rostad, Q.C.
Attorney General of Alberta
Legislature Building
Edmonton, Alberta

Dear Sir:

I submit herewith the Annual Report of the Crimes Compensation Board for the period April 1, 1989 to March 31, 1990.

Respectfully submitted,

B. A. Nahornick

B.A. Nahornick, M.D.
Chairman

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INTRODUCTION

The Criminal Injuries Compensation Act was enacted in 1969 to provide assistance to victims of violent crime who suffer financial loss as a direct result of injuries or death.

The Crimes Compensation Board, established under The Criminal Injuries Compensation Act, consists of three members appointed by the Lieutenant-Governor-in-Council, one of whom must be a barrister and solicitor. The present members of the Board are: Dr. B.A. Nahornick, chairman; T.J. Nugent, vice-chairman; and Elva Rowland, member.

The Board is directed to hold hearings in the presence of the victim to review claims. Although proceedings are informal, any false statement made to the Board is punishable by a fine not exceeding $500. Evidence is obtained from reports by police, hospitals, doctors, dentists, employers and income tax returns in addition to statements from the applicant and witnesses, if required.

The Board may make orders for compensation when injury or death is a direct result of an act or omission of another person that occurred in Alberta and is within the description of any of the criminal offences set out in Schedule 1 of the Act, or to a person who attempts to make an arrest or prevents or attempts to prevent the commission of a criminal offence or assists a peace officer in so doing.

The Board may compensate for damages to or loss of property consisting of clothing or eyeglasses worn at the time of offence. By an amending Act in force after May 4, 1982, the Board may compensate up to $10,000 for loss of or damage to property caused while a peace officer is endeavouring to prevent a criminal offence or arrest an offender for the commission of a criminal offence set out in Schedule 1 of the Act.

Claims may be considered by the Board if the crimes and injury occurred in Alberta, the details have been reported to the police within a reasonable time, the claim is received by the Board within one year of the injury or death, and the loss for which the claim is made exceeds $100.

An applicant must consent to a medical examination if required by the Board and allow the Board to conduct inquiries to verify any statements made.

The Board cannot compensate for injuries caused by motor vehicles except where a spouse is killed as a result of criminal negligence on the part of the operator or because the operator was driving while impaired.

Generally the Board's jurisdiction is limited to awarding compensation for pecuniary loss suffered by the victim, such as loss of wages or loss of support by a dependant of the victim, and expenses incurred by the victim or others on his or her behalf.

Compensation as damages for physical disability, disfigurement or pain and suffering can only be awarded if the victim was arresting a person or preventing that person from committing a criminal offence. In most cases police officers are the recipients of such awards.

APPLICATIONS AND DECISIONS

The number of applications increased during the last year, from 281 to 314 (216 male applicants, 98 female). Residents of other provinces accounted for 37 claims. Of the 314 applications, 283 were for personal injury, 30 for death benefits and one for property damage.

The number of decisions made and recorded by the Board was 446. Payments based on these decisions totalled $1,090,924.00. Loss of earnings accounted for more than 55 per cent of this total.

As medical and hospital expenses of most victims were covered by provincial health plans, medical expenses paid by the Board were mainly for dental work and ambulance service.

The violent crimes most frequently giving rise to applications were:

Assault Causing Bodily Harm
Murder
Robbery with Violence
Sexual Assault
Assaulting a Police Officer
Attempted Murder

REFUSED AWARDS

Thirty-seven applicants were refused awards. Examples of refused awards are outlined below:

Decision #3929-89
Application No. 085-12

Applicant, male 31, was injured on January 11, 1989. The applicant was severely injured by a hit-and-run driver. The Board considered the material on file and found nothing but a standard motor vehicle case, which the Board is specifically prohibited from dealing with under Section 9(3)(b) of the Act. Therefore, the Board dismissed the application.

Decision #4004-89
Application No. 147-12

Applicant, male, 31, was injured on November 6, 1979. The applicant was attacked by a group of people and sustained face and teeth injuries. The applicant did not understand the extent of the damages to his teeth and the seriousness of the injury he sustained. Therefore, he did not apply to the Board. The application was received on September 26, 1989, almost 10 years after the incident. Under the Act, the application must be made within one year of the incident. The Board dismissed the application, due to the extensive lapse of time since the incident.

Decision #4079-90
Application No. 168-12

Applicant, male, 40, claimed loss of earnings regarding a theft from his premises. The applicant suffered no injuries, and his only claim was for one day's lost wages to report the matter to the police. As this is not a heading under which the Board can compensate, the matter was dismissed.

MONTHLY AWARDS

The Board feels confident that its power to make awards on a monthly basis is a valuable remedy. Awards of this type provide monthly payments to a victim suffering a continuing disability or, in the case of a claim for death benefits, to the dependants of a victim.

There are many instances in which payment of a lump sum to a victim would be inappropriate, particularly in times of inflation. A monthly payment involves an annual review by the Board, when amendments can be made as circumstances change.

At present, 67 victims are receiving monthly payments, ranging from $50 to $2,900 depending on the former earning capacity of the victim. Following are examples of monthly awards made this year:

Decision #3003h-90
Application No. 280-8

Applicant, male, 41, was stabbed in his right arm while trying to apprehend an intruder in his home on November 20, 1985. The victim suffered two stab wounds to his arm and underwent surgery for repair to a number of nerves and tendons. In June 1986, the Board awarded $6,881 for loss of wages, $2,000 for pain and suffering, and $410 for clothing, drugs, hospital fee and travel expenses for therapy. In December 1986, June 1987, and December 1987 respectively, the Board awarded $3,061 for loss of wages. In December 1987, the Board also awarded $38.77 for a special glove for his hand. In June 1988, December 1988, and June 1989, the Board awarded a total of $9,183 for loss of wages. In February 1990, the Board awarded $4,081.34 for loss of wages and ordered monthly payments of $510.17 effective March 1990, with the matter to be reviewed in six months.
Total paid to date: $34,838.13

Decision #3175c-89
Application No. 151-9

Applicant, female, 38, claimed compensation for loss resulting from the death of her husband on September 4, 1986. The applicant and her two infant children were dependent upon the income of the deceased at the time of his death. The Board awarded a maximum award of $2,500 for funeral and related expenses and $500 per month commencing October 1, 1986 to cover the claim for dependency. Further hearings were held in December 1987 and December 1988, wherein the $500 per month was continued. In December 1989, the Board felt an increase was justified and ordered payments of $600 per month effective January 1990, with the matter to be reviewed in twelve months.
Total paid to date: $26,800.00

Decision #3391f-90
Application No. 074-10

Applicant, female, 60, was injured on March 25, 1987. The applicant was coming home from work, when two men attempted to steal her purse. She was knocked to the ground and received injuries of bruises, contusions, and twisting to her spine. The Board awarded $1,524 for loss of wages for August and September 1987; $350 for taxis, bus fares, prescription drugs, clothing and physiotherapy; and a monthly award of $1,302 effective October 1987. In April 1988, the Board awarded $169.60 for special and extra expenses. In September 1988, the Board decreased the monthly award to $651 effective October 1988 and paid $106.38 for prescription drugs. In July 1989, the Board ordered the continuation of $651 per month and $150 for prescription drugs. In January 1990, the Board ordered the continuation of $651 per month, to continue until further notice, with the matter to be reviewed in twelve months.
Total paid to date: $32,897.07

INTERIM AWARDS

An interim award is a lump sum payment made when no permanent disability is expected from injuries sustained, but is usually serious enough to warrant a reassessment of the applicant's condition at a later date. In the last fiscal year, 27 interim awards were granted by the Board. Following are examples:

Decision #2077h-89
Application No. 035-6

Applicant, female, 61, was injured on October 27, 1982. The applicant was beaten by her common-law husband and received various bruises and a fracture of the left ankle. In September 1983, the Board awarded the following: $4,641 for loss of wages; $45 for sick absence reports; $29 for hospital; $138 for doctor's fee; and $7.79 for drugs. In August 1984, the Board awarded $5,814 for loss of wages. In April 1985, the Board awarded an additional $1,680 for loss of wages. It was noted at that time the applicant had a permanent residual disability in her left ankle. In December 1985 and December 1986, the Board awarded $1,680 for loss of wages for each year. In December 1987, December 1988, and December 1989, the Board awarded a loss of wages of $2,040 for each year, with the matter to be reviewed in twelve months.
Total paid to date: $21,834.79

Decision #3431a-89
Application No. 044-10

Applicant, male, 21, was injured on May 17, 1986. The victim was working at a gas bar when a robber entered the station with a rifle. The victim was shot in the head. In September 1989, the applicant was awarded the sum of $1,700 for the two months that he received no pay and the sum of $536.80 per month for the next 26 months. By September 15, 1989, the monthly payments totalled $15,656.80, plus he was awarded $100 for clothing and $108.85 for travel and other expenses to attend the hearing. The matter is to be reviewed in twelve months.
Total paid to date: $17,565.65

Decision #3726c-90
Application No. 120-11

Applicant, male, 19, was injured on April 27, 1988. The victim was on duty at a gas bar when a robber entered the establishment with a knife and shotgun. The victim attempted to delay the robbery and apprehend the offender. In doing so, he sustained bruises and multiple lacerations to the right shoulder, right thigh and right hand. The applicant was awarded $1,500 for pain and suffering and $624.65 for loss of wages between April 27, 1988 and November 30, 1988. In April 1989, the Board awarded a further $362.70 for loss of wages. In August 1989, the Board made a further award of $322.40 for loss of wages. In January 1990, the Board found that the applicant had been restricted to 50 per cent of his income since July 1989. The Board awarded the sum of $2,834 for loss of earnings to cover the period July 1989 to December 1989, with the matter to be reviewed in six months.
Total paid to date: $5,643.75

Decision #3869-89
Application No. 216-11

Applicant, female, 31, was injured on July 29, 1988. The victim was injured by two gunshot wounds while she was attending a party. An argument occurred between the offender and her friend, she ran toward the exit door, and she was shot in her neck and abdomen. The applicant suffered Brown-Sequard syndrome, with paralysis of her left leg, as well as problems with loss of feeling in her right leg. In June 1989, the Board awarded $7,747.50 for loss of wages and $115 for clothing. In December 1989, the Board awarded $4,354.50 for loss of wages and $450 for drugs and other medical supplies. This application will be reviewed in six months.
Total paid to date: $12,667.00

FINAL AWARDS

A final award is a one-time payment to cover a victim's loss of earnings and expenses resulting from a crime where the applicant is able to return to work with no decrease in earnings. There were 223 final payments awarded in the last fiscal year. Following are examples:

Decision #4009a-90
Application No. 133-12

Victim, female, 30, was injured on August 7, 1988. The applicant was outside a bar when her friend was involved in a fight with another person. When she attempted to assist her friend, a man approached her from behind, put his knee into her back, and pulled her arm backward causing a severe neck-back injury. In December 1989, the Board awarded $7,360.65 for loss of wages and $185.50 for a neck brace. In May 1990, the Board ordered a final payment of $6,243.84 for loss of wages.
Total award: $13,789.99

Decision #4061-90
Application No. 190-12

Victim, female, 20, was sexually assaulted on August 9, 1988. She sustained a fracture of her jaw, which required open reduction with plates and screws. She will require future surgery to correct her bite at a cost of $5,000 - $9,000, which will be covered when the work is completed, and must have braces for a period of two to two-and-one-half years. In February 1990, the Board awarded $270 for clothing; $120 for food supplements when the jaw was wired; and $62 for travel expenses to attend the hearing.
Total award: $452.00

Decision #4088-90
Application No. 229-12

Victim, male, 21, was injured on September 6, 1989. The victim walked out of a hotel and was attacked by an offender who struck him on the left side of the jaw, causing a fracture and dental damages. In March 1990, the Board awarded $18.68 for dental treatment and $880 for loss of wages. The Board has authorized the payment of future dental costs, if required and related to this incident.
Total award: $898.68

SUPPLEMENTAL AWARDS

A supplemental award is a one-time payment made to a victim to cover additional expenses, usually medical, which may have been incurred after the initial award. The Board granted 92 supplemental awards to applicants in the last fiscal year. Following are examples:

Decision #3980d-90
Application No. 048-12

Victim, male, 30, was injured on June 24, 1988. The victim, along with two friends, was assaulted by a group of people. The applicant was punched and kicked in the head and face, resulting in a fractured jaw that required surgery to reposition teeth. In October 1989, the Board made an award for $157.56 for an ambulance account and authorized the cost of a dental-technical procedure prior to surgery. In December 1989, the Board awarded $1,310 for dental work and made a supplemental award of $1,000 for the dental-technical procedure. In February 1990, the Board awarded $50 for a doctor's consultation fee.
Total award to date: $2,517.56

Decision #4022a-90
Application No. 122-12

Victim, male, 32, was injured on July 6, 1989. While out socializing, the victim was approached by an angry friend. The applicant was struck in the face causing extensive dental damage. In December 1989, the Board awarded $20 for clothing, $68.51 for drugs, and $40 for an anesthetic. In March 1990, the Board made a supplemental award of $5,371.61 for dental work.
Total award to date: $5,500.12

Decision #3971b-90
Application No. 129-12

Victim, female, 37, was injured on August 1, 1989. The victim was assaulted for no apparent reason by her ex-husband at her apartment. The applicant suffered damage to her teeth. In November 1989, the Board awarded $50 for dental work, $11 for loss of wages while attending the hearing, and authorized future dental work. In December 1989, the Board awarded $322.51 for dental work and again in February 1990, awarded a further $1,717.82 for dental work.
Total award to date: $2,101.33

PAIN AND SUFFERING

The ability of the Board to award compensation for what is termed pain and suffering is limited, both by circumstances and amount. Compensation for disfigurement and pain and suffering caused by the injury can only be awarded if the injury occurred while the victim was preventing a crime, making an arrest or assisting a peace officer to do so. The maximum award is $10,000. The total paid last year was $30,100, compared to $51,350 the previous year. The scale of these awards is well below that of comparable awards in the civil courts, due to the restrictions expressed in the Act. The majority of these awards are made to police officers who have been injured when they are arresting or pursuing offenders.

Following are examples of pain and suffering payments made in this fiscal year:

Decision #3989-89
Application No. 116-12

Victim, male, 43, was injured on June 15, 1989. The victim, a police officer, was called to a family quarrel. The woman had fled, and the common-law spouse had the child. The applicant went to the rescue and attempted to get the child away. He was injured by the accused, who violently kicked a door into him causing a fracture to his wrist. He was off work almost three months. The Board awarded $500 for loss of wages and $1,500 for pain and suffering.
Total award: $2,000.00

Decision #3997-89
Application No. 123-12

Victim, female, 44, was injured on October 21, 1988. Two young offenders were honking their horn at the applicant's car. After stopping her car, the young offenders began to fight with her passengers - her husband and son. The applicant tried to help, but was hit, knocked down and thrown against a fence. In November 1989, the Board awarded $75 for ambulance, $243 for chiropractor fees, $8 for travel expenses to attend the hearing, and $750 for pain and suffering.
Total award: $1,076.00

Decision #4082-90
Application No. 217-12

Victim, male, 31, was injured on December 16, 1988. The applicant was serving a summons to an offender at an LRT station when he was assaulted. The offender was later arrested by the applicant. The applicant suffered a flake fracture of the left knee, as well as a torn cartilage which may require surgery in the future. The applicant received full pay; however, he lost holiday pay in the sum of $352. The Board awarded $352 for loss of holiday pay and $750 for pain and suffering.
Total award: $1,102.100

PUBLIC AWARENESS

The Board believes that knowledge of the existence and mandate of the Crimes Compensation Board is increasing across the province. One indication of this is the increase in the number of applications filed within a few days of the event.

An information brochure outlining the work of the Board and the help it can provide has been distributed to the police forces, schools, hospitals and interested groups in the province.

The Board also wishes to acknowledge and thank the law officers of the Crown for their assistance, and is mindful of the conscientious and capable manner in which the Board's staff carry out their responsibilities.

Victim Services units are located throughout the province to assist victims. This includes assistance in completing applications under the Act.

DECISIONS

The total number of decisions made by the Board in the past fiscal year was 446 divided as follows:

Monthly Awards	67	Supplemental Awards	92	Interim Awards	27
Final Awards	223	Applications Refused	37		

FUNDING

Awards made under the Criminal Injuries Compenation Act are cost shared between the Federal Government and the Government of Alberta. The contribution by the Federal Government amounts to 50 per cent of the awards or a maximum of 25 cents per capita of the population of Alberta, whichever is the lesser. The Federal Government does not share administration costs.

PAYMENTS

Payments made during this past year based on the above decisions were:

Monthly Awards — payments	557,804.00	
— disbursements	65,449.00	
Sub-total		$623,253.00
Interim Awards		83,032.00
Final Awards		312,191.00
Supplemental Awards		72,448.00
Total		$1,090,924.00

A breakdown of the awards is as follows:

Loss of Earnings	$603,886.00
Medical Expenses	120,662.00
Pecuniary Loss to Dependants of Victims	211,348.00
Pain and Suffering	30,100.00
Funeral Expenses	63,195.00
Other Pecuniary Loss	56,893.00
Counsel and Legal Fees	4,840.00
Total	$1,090,924.00

FEES

Fees paid to Board members totalled $72,890.00. Their disbursements totalled $18,151.00, bringing the total paid to the Board to $91,041.00. The Board held hearings on 40 days; 22 in Edmonton and 18 in Calgary.

TYPES OF CRIMES

Of applications which had a first hearing during the 1989-90 period, the following were noted:

Assault on a Peace Officer	17	Impaired Driving	3
Assault Causing Bodily Harm	154	Indecent Assault on a Female	1
Attempted Murder	10	Manslaughter	4
Causing Bodily Harm by Criminal Negligence	3	Murder	27
Common Assault	2	Robbery With Violence	26
		Sexual Assault	17

RESIDENCE OF APPLICANTS

ALBERTA

Airdrie	3
Alberta Beach	1
Ardrossan	1
Athabasca	1
Banff	1
Bentley	1
Bittern Lake	1
Breton	1
Brooks	1
Calgary	100
Cardston	3
Devon	2
Drumheller	1
Edmonton	95
Edson	1
Faust	1
Fort Kent	1
Fort McMurray	1
Gibbons	1
Grande Prairie	1
Gunn	1
High Prairie	2
Hinton	2
Holden	1
Irma	1
Lac La Biche	4
Lacombe	2
Lethbridge	6
Medicine Hat	4
Millet	1
Ponoka	3
Red Deer	6
Redwater	1
Rocky Mountain House	1
Rosemary	1
Sherwood Park	3
Slave Lake	2
Spruce Grove	1
St. Albert	3
Standard	1
Taber	2
Thorhild	1
Thorsby	1
Valleyview	1
Vegreville	1
Vermilion	1
Wetaskiwin	1
Whitecourt	3
Winfield	1
Winterburn	1

OTHER PROVINCES

BRITISH COLUMBIA

Abbotsford	2
Black Creek	1
Burnaby	2
Clearwater	1
Fort St. John	1
Kamloops	1
Kelowna	1
Kindersley	1
Nanaimo	2
Penticton	1
Sidney	2
Vancouver	2
Victoria	1
Westbank	1
Winfield	1

SASKATCHEWAN

Moose Jaw	2
Regina	2

QUEBEC

Sherbrooke	1
Val D'or	1

NEW BRUNSWICK

Moncton	1

ONTARIO

Bogner	1
Gowganda	1
Hamilton	1
Mississauga	1
Oshawa	1
Ottawa	1
Richmond Hill	1
Sarnia	1
Scarborough	1

NOVA SCOTIA

Scotch Village	1

NORTHWEST TERRITORIES

Yellowknife	1

STATISTICAL SUMMARIES OF AWARDS
1969 - 1990

Year	Loss of Earnings	Medical Expenses	Pecuniary Loss to Dependants	Pain and Suffering	Funeral Expenses	Other Pecuniary Loss	Counsel & Legal Fees	TOTALS
1989-90	$603,886	$120,662	$211,348	$30,100	$63,195	$56,893	$4,840	$1,090,924
1988-89	651,767	87,251	193,276	51,350	70,538	54,394	7,392	1,115,968
1987-88	561,329	114,850	136,870	37,750	77,975	80,393	9,225	1,018,392
1986-87	646,922	96,515	109,068	49,950	46,701	66,638	7,297	1,019,097
1985-86	457,237	103,443	102,131	37,362	41,663	46,162	5,796	793,794
1984-85	583,529	145,644	78,390	35,500	51,050	48,894	9,720	952,727
1983-84	563,212	123,695	79,310	49,350	74,568	65,272	8,679	964,086
1982-83	425,858	101,021	32,830	45,700	53,788	55,673	9,681	724,551
1981-82	297,800	45,991	51,805	37,950	23,674	26,746	5,651	489,617
1980-81	302,328	39,637	45,789	24,150	24,577	31,302	7,025	474,808
1979-80	365,081	45,175	41,582	21,450	42,034	27,512	7,730	550,564
1978-79	301,217	32,621	30,577	17,036	43,695	27,123	8,580	460,849
1977	267,759	31,355	36,370	26,200	21,298	20,665	8,012	411,659
1976	219,314	23,379	32,320	35,200	5,744	45,106	10,268	371,331
1975	162,881	11,229	41,390	3,500	1,114	9,451	5,710	235,275
1974	131,967	10,336	17,127	8,000	1,248	9,081	4,540	182,299
1973	72,753	8,690	9,841	8,750		5,973	2,214	108,221
1972	83,941	8,212	19,697	11,570	3,374	3,761	2,514	133,069
1971	47,178	6,810	8,350	3,610	561	2,677	2,292	71,478
1969-70	39,692	5,105	521	5,250	741	10,596	2,589	64,493

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